

BEFORE THE ARIZONA CORPORATIO RECEIVED DSCK 2 Arizona Comporation Commission 2008 MAR 21 P 1: 38 **COMMISSIONERS** 3 DOCKETED AZ CORP COMMISSION DOCKET CONTROL MIKE GLEASON, Chairman MAR 2 1 2008 4 WILLIAM A. MUNDELL 5 JEFF HATCH-MILLER DOCKETED BY KRISTIN K. MAYES 6 **GARY PIERCE** 7 IN THE MATTER OF ARIZONA DOCKET NO. E-01345A-07-0663 8 PUBLIC SERVICE COMPANY AND T-01846B-07-0663 VERIZON CALIFORNIA, INC.'S 9 ARIZONA PUBLIC SERVICE JOINT PETITION FOR THE ESTABLISHMENT OF AN COMPANY'S AND VERIZON 10 CALIFORNIA INC'S JOINT UNDERGROUND CONVERSION SERVICE AREA. SUPPLEMENTAL CLOSING BRIEF 11 ANALYZING THE STANDARD FOR COMMISSION APPROVAL OF AN 12 UNDERGROUND CONVERSION SERVICE AREA. 13 14 I. INTRODUCTION. 15 In the February 22, 2008 Procedural Order, the Administrative Law Judge ("ALJ") 16 requested that Arizona Public Service Company ("APS"), Verizon California, Inc. 17 ("Verizon") (collectively, "Petitioners") and Arizona Corporation Commission 18 ("Commission"), Utilities Division Staff ("Staff") analyze four issues pertaining to APS 19 and Verizon's joint petition to establish an underground conversion service area ("Joint 20 Petition") pursuant to Arizona Revised Statute ("A.R.S.") § 40-343(B). Specifically, the 21 ALJ directed the parties to address the following questions: 22 1. What is the meaning of A.R.S. § 40-346(A) when it requires "that owners of 23 no more than forty percent of the real property within the underground conversion service area, or no more than forty percent of the owners of real 24 property, have not objected to the formation of the underground conversion 25 service area...?" 26 How are owners counted for purposes of satisfying the standard set forth in 2.

A.R.S. § 40-346? Is this standard met by the Joint Petition?

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- 3. Whether the square footage of Parcel No. 310-32-274 ("Parcel 274") should be included in the total square footage of the proposed underground conversion service area ("UCSA") for purposes of satisfying the requirements set forth in A.R.S. § 40-346?
- 4. Whether the late-filed requests to withdraw signatures from a petition should be considered, and in what manner, for purposes of satisfying the requirements set forth in A.R.S. § 40-346?

II. DISCUSSION.

1. What is meant by the provision in A.R.S. § 40-346(A) requiring "that owners of no more than forty percent of the real property within the underground conversion service area, or no more than forty percent of the owners of real property, have not objected to the formation of the underground conversion service area...?"

In order to establish an UCSA, the owners of not less than sixty percent of the "contiguous real property within a reasonably compact area of reasonable size, and who own not less than sixty percent on a square foot basis ...shall petition each public service corporation or public agency serving such area by overhead electric or communication facilities to make a study of the costs which will be related to the establishment of such area as an underground conversion service area." A.R.S. § 40-342(A) (the "First Petition"). If not less than 60 percent of the owners who own sixty percent of the real property within the area "excluding public places" support the cost proposal and want the utilities to proceed with the UCSA, they may submit a second petition to the public service corporation or public agency seeking conversion. A.R.S. § 40-343(A) (the "Second Petition").

Petitioners did not find any case law analyzing or interpreting the meaning of A.R.S. § 40-346(A). In addition, a search of the legislative history of A.R.S. § 40-341 *et seq.* also provided no guidance. What is confusing is that A.R.S. § 40-346(A) provides, in pertinent part, that the Commission, in establishing that the requirements to establish an underground conversion area have been met, must determine that "owners of no more than forty percent of the real property within the underground conversion service area, or

no more than forty percent of the owners of real property, have not objected to the formation of the underground conversion service area."

Given the requirements of A.R.S. §§ 40-342(A), 343(A), which requires more than 60% affirmative support for the underground conversion, thus mathematically eliminating the possibility of over 40% opposition, Petitioners agree that the standard in A.R.S. § 40-346(A) is confusing and unclear. If the statute is read literally, it would mean that the Commission would need to establish that either forty percent or fewer of the owners or owners of forty percent or less of the real property have not objected (meaning that more than 60% of the owners in the proposed conversion area or individuals owning more than 60% of the real property would have objected). This clearly contradicts the 60% support requirement in A.R.S. § 40-342(A) and § 40-343(A) and if followed literally by the Commission, would lead to an absurd and contradictory result.

It appears that based upon previous Commission Orders¹, the Commission resolved this contradiction by ignoring the negative language of A.R.S. §40-346(A) and focusing on the requirement of over sixty percent approval, which if attained would necessarily mean that less than forty percent disapproved of the conversion. This appears to be a reasonable interpretation of A.R.S. § 40-346(A) in that in order for the Commission to approve the Joint Petition and impose involuntary costs on a minority of homeowners, that at a minimum, a super majority of affirmative supporters of conversion should be required.

Given this rationale, Petitioners submit that interpreting the statute based on its plain language would be contrary to well-settled principles of statutory construction. In construing statutes, Arizona courts avoid a statutory interpretation that leads to absurd results that could not have been contemplated by the legislature. *See, e.g., Bilke v. State*, 206 Ariz. 462, 464 (2003); *Porter v. Triad of Ariz.*, 203 Ariz. 230, 233 (Ct. App. 2002); *State v. Altamirano*, 166 Ariz. 432, 437 (Ct. App. 1990). A result is "absurd 'if it is so

¹ In re Tucson Electric Power Company, Decision 55490; In re Mountain States Telephone and Telegraph, Decision 57051; and In the Matter of Qwest Corporation's Petition for the Establishment of an Underground Conversion Service Area, Docket No. T-01051B-04-0276.

irrational, unnatural, or inconvenient that it cannot be supposed to have been within the intention of persons with ordinary intelligence and discretion." *State v. Estrada*, 201 Ariz. 247, 251 (2001) (quoting *Bussanich v. Douglas*, 152 Ariz. 447, 449-50 (Ct. App. 1986)). If necessary in order to make a statute intelligible, "the court may, and should, correct the palpable mistakes in writing, grammar, spelling, or punctuation." *Sullivan v. Burns*, 51 Ariz. 384, 392 (1938). Moreover, Arizona courts interpret statutory provisions in harmony with one another whenever possible. *Johnson v. Mohave County*, 206 Ariz. 330, 333 (Ct. App. 2005).

Petitioners believe that A.R.S. § 40-346(A) should require the Commission to make two separate findings: (1) that owners of more than sixty percent of the real property in the affected area on a square footage basis have supported to the UCSA; and (2) that more than sixty percent of the owners of property in the UCSA have supported to the UCSA. If the percentage of objections on either basis exceeds forty percent, then the initial requirements for proceeding with the UCSA are no longer met and the UCSA should not be established.

An example of this approach is set forth in Decision No. 67437.² In that case, more than 60% of the owners who owned more than 60% of the real property within the UCSA signed the petition to establish the district. During the proceeding, three owners timely withdrew their support, thereby reducing these calculations to below 60%. As a result, the Commission dismissed the petition relying in part on the failure to meet the statutory requirements in A.R.S. §§ 40-343(A), 346(A).³ See Decision No. 67437 at 7.

2. How are owners counted for purposes of satisfying the standard set forth in A.R.S. § 40-346? Is this standard met by the Joint Petition?

The ALJ also asked the parties to address how owners are to be counted for

² Docket No. T-01051B-04-0276, In the Matter of Qwest Corporation's Petition for the Establishment of an Underground Conversion Service Area.

³ The Commission also relied on the Maricopa County Board of Supervisor's refusal to establish the UCSA. The Board of Supervisors also based its denial on a lack of sufficient signatures.

purposes of meeting the standard set forth in A.R.S. § 40-346(A). The ALJ noted, "for some parcels there are quite a few owners, as many as six or eight," and in some instances one owner owns multiple parcels.⁴ Based upon records obtained by the La Paz County Assessor's Office and used in calculating the threshold requirements described above, Petitioners believe that the standard set forth in A.R.S § 40-346(A) was met at the time of filing the Joint Petition.

Petitioners obtained the La Paz County Recorder Ownership Report ("County Report") that identified, among other things, each parcel by number, owner(s) and parcel size. Based upon the County Report, for those parcels that included a split lot (parcel includes a portion of another lot), the County Report combined the properties and renumbered the Parcel ID as well as recalculated the square footage of the new parcel. For example, the owners of lot 310-32-268 also own "the easterly nine (9) feet of lot 310-32-269." The County Report identifies these two pieces of property as parcel No. 310-32-269A and calculates the parcel size of 7177.07 sq. ft. Petitioners used the County Report to calculate the percent of owners and square footage based upon the information provided therein. So if Petitioners received a Second Petition for Parcel No. 310-32-269A, one (1) "yes" vote was recorded for the owner category (even though the owner owned slightly more than one lot) and 7177.07 sq. ft was credited as a "yes" vote to determine the total square footage percentage, which voted in favor of the conversion. In this example, the owner(s) of the remainder of lot 310-32-269 also owned contiguous lot 310-32-270. Per the County Report, a new Parcel No. 310-32-270A was created composed on the partial lot 310-32-269 and lot 310-32-270, and the parcel size was calculated at 5950.27 sq. ft. The owner of Parcel No. 310-32-270A did not sign the Second Petition so a "yes" vote was not recorded for the owner category and the total square footage of Parcel No. 310-32-270A was not included in the percentage for conversion.

In addition, A.R.S. § 40-341(6), defines "owner" as follows:

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⁴ Procedural Order at 2.

"Owner" means the person in whom legal title appears by recorded deed, or the person in possession under claim of title, or the person exercising acts of ownership for himself or as the personal representative of the owner, including the boards of trustees of school districts and the boards of education of high school districts owning property within the underground conversion service area.

Based upon this definition, Petitioners concluded that an owner who owns more than one parcel of property within the underground conversion service area, as defined by La Paz County within the County Report, should be considered a separate owner for each parcel owned for purposes of A.R.S. § 40-346.(A).

Although the conversion statute is silent as to how to calculate approval percentages when multiple owners share an ownership interest in a single lot, the rules of statutory construction provide guidance. In particular the doctrine of *in pari materia* is helpful, allowing for interpretation based upon statutes that relate to the same subject or have the same general purpose. *See generally Moreno v. Jones*, 213 Ariz. 94, 139 P.3d 612 (2006).

Relying upon the principle of *in pari materia*, A.R.S. § 40-345 provides some guidance on the methodology of counting individuals for purposes of objecting to a UCSA. Under that statute, "[t]he signature of one co-tenant or, if community property, the signature of either spouse, shall be sufficient for a protest or a withdrawal of signature from a petition of owners." A.R.S. § 40-345(3). Furthermore, "[w]hen several persons have a claim to or an interest in property, the signature of any of them shall be sufficient unless questioned by another having such claim or interest, whereupon the wishes of the person legally entitled to possession of the property at the date of the protest shall control." A.R.S. § 40-345(6). These statutory provisions on the same subject matter indicate that a protest or objection by only one owner is necessary when there are multiple owners on a single parcel. Following this logic, if Petitioners received a Second Petition from one owner, it counted that petition as a "yes" vote for the owners of that property and included the square footage associated with that parcel as a vote in favor unless

another owner of that parcel raised an objection or protested. In fact, there was no instance where Petitioners received an objection or protest for a parcel in which a co-owner submitted a Second Petition.

3. The square footage of Lot 274 should not be considered for purposes of determining whether 60 percent of the owners approved the underground conversion.

As described above, if sixty percent or more of the owners who own sixty percent or more of the real property within the area "excluding *public places*" want the utilities to proceed with the conversion area after reviewing the cost proposal, they may submit a Second Petition to the public service corporation or public agency seeking conversion. A.R.S. § 40-343(A)(emphasis added). Real property includes "the real estate owned in fee," but it does not include "buildings or structures located thereon, or any property owned or controlled as a railroad or street right of way." A.R.S. § 40-341(10). Public places, on the other hand, include "streets, alleys, roadways, sidewalks, rights of way, easements and similar properties as to which a city, town, county, the state, the public service corporation or the public agency may have a right." A.R.S. § 40-341(9).

Lot 274 is owned by La Paz County due to the failure of the previous owner to pay back taxes. In fact, according to letter from Donna Hale, La Paz County Interim County Administrator, although Lot 274 is considered to be part of Hillcrest Bay Mobile Manor by the County, , the County desires that it be excluded from the UCSA. According to Ms. Hale, conversion would not make Lot 274 more salable because it is not accessible and consists of slopes and wash areas that cannot be developed. Consistent with the definition of public places in A.R.S. § 40-341(9), these areas are akin to rights of way that allow for the passage of water or are simply too steep for new construction. As such, these public places were excluded from the calculation in determining whether the

⁵ A.R.S. § 40-346(B) allows the Commission to "eliminate any territory described in the petition which it finds will not be benefited by the establishment of the underground conversion service area."

⁶ Letter from Donna Hale, La Paz County Interim County Administrator dated March 6, 2008, attached as Exhibit A.

statutory thresholds were met by the Second Petition.

It should be noted that, if county land is included within the UCSA, the County may refuse to assume the costs of the UCSA, in which case those costs must be apportioned to the remaining property. A.R.S. § 40-347(A)(5). Ms. Hale's letter makes clear that the County does not intend to assume any costs of the conversion. Although this does not resolve whether Lot 274 should be included for purposes of the Second Petition, it does resolve whether the County is required to participate in the costs of the UCSA.

Ultimately, as with many provisions of the conversion statutes, the statutes are not express as to the treatment of undevelopable county land, such as Lot 274, for purposes of the sixty percent thresholds. However, the Petitioners believe that their reading and treatment of Lot 274 is consistent with the provisions of A.R.S. § 40-343(B).

4. Whether the late-filed requests to withdraw signatures from a petition should be considered, and in what manner, for purposes of satisfying the requirements set forth in A.R.S. § 40-346?

A.R.S. § 40-344(A) requires that in order to withdraw a petition previously signed pursuant to A.R.S. § 40-343(A), a person must, no later than ten days before the date set for the hearing, file such objections with the Commission. However, the Commission could conduct additional hearings to determine whether additional territory should be included in the conversion areas pursuant to A.R.S. § 40-346(B), which would thereby make the withdrawals timely. In addition, whether or not there is statutory authority to conduct additional hearings, the Commission always has the discretion to weigh any late withdrawals as part of its analysis to determine whether establishing the conversion area is in the public interest or economically or technically feasible.

The withdrawal of signatures on public petitions is somewhat of a unique legal matter with a dearth of case law, particularly with regard to underground conversion areas. However, land annexations conducted by cities have many similarities in terms of petitioning the public and the potential for withdrawing signatures. In the annexation

context, a petitioner may not withdraw its annexation consent "after the petition has been finally acted upon and the ordinance adopted." De Concini v. City of Phoenix, 74 Ariz. 46, 49 (1952) (citing Valley Center School Dist. No. 20 v. Hansberger, 28 Ariz. 493 (1925)). In fact, "once affirmative legislative action has commenced upon a petition for annexation, jurisdiction attaches and the petitioners cannot withdraw so as to divest the city council of jurisdiction to act in its legislative capacity." De Concini, 74 Ariz. at 50. Affirmative legislative action puts "the legislative wheels in motion and look[s] toward the actual passage of the annexation ordinance." Id. The Arizona Supreme Court has found that establishing a time frame "beyond which private rights must give way to the interests of society in having a stable and smooth-functioning government" is vital to the orderly functioning of city government and helps to avoid additional expenses and delay. Id. (holding that the city council's meeting to consider the annexation ordinance was an affirmative legislative act, precluding petitioner's withdrawal.).

In this instance, similar to the annexation context, A.R.S. § 40-344 establishes a timeframe in which private rights must give way to the functioning of government—"ten days before the date set for hearing." This, as in De Concini, presumably provides a level of certainty allowing the Commission to proceed with its uninterrupted consideration of the petition presented.

In this case, there were three withdrawals that occurred after the statutory cutoff contained in § 40-344(A). Even if such withdrawals were timely, the square footage and parcel owners in favor remain above sixty percent as follows:

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⁷ The League of Arizona Cities and Towns believes:

A property owner who has signed an annexation petition may withdraw his signature from such petition any time prior to five o'clock on the date the petition is actually filed with the county recorder....To withdraw a petition signature a person may...

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LEAGUE OF ARIZONA CITIES AND TOWNS, A GUIDE FOR ANNEXATION at 9 (citing Ferree v. City of Yuma, 124 Ariz. 225 (1979)).

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Percentage without Vote Changes		
	Sq Ft %	Parcel %
	62.51%	64.44%
PARCEL_ID	Sq Ft For	Parcel For
310-32-138	4079.89	1
310-32-170A	6374.85	1
310-32-208	4124.71	1
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 Percentage with Vote Changes

 Sq Ft %
 Parcel %

 61.39%
 63.18%

 Sq Ft For Parcel For

 310-32-138
 310-32-170A

 310-32-208
 796402.65

As noted above, however, the Commission does have the discretion to consider the withdrawals in determining whether establishing the conversion area is in the public interest or is economically or technically feasible.

RESPECTFULLY SUBMITTED this 21 day of March, 2008.

SNELL & WILMER L.L.P.

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Jeffrey Crockett
Robert J. Metli
One Arizona Center
400 E. Van Buren
Phoenix, AZ 85004-2202
Attorneys for Arizona Public Service Company

Thomas L. Mumaw Megan Grabel PINNACLE WEST CAPITAL CORPORATION 400 North 5th Street P.O. Box 53999, MS 8695 Phoenix, Arizona 85072-3999 Attorneys for Pinnacle West Capital Corporation

1 2 3 LEWIS AND ROCA, LLP 4 5 Thomas H. Campbell Michael T. Hallam 6 40 N. Central 7 Phoenix, Arizona 85004 Attorneys for Verizon California, Inc. 8 9 ORIGINAL and thirteen (13) copies of the foregoing filed this day of March, 2008, with: 10 11 Arizona Corporation Commission Docket Control – Utilities Division 12 1200 West Washington Street 13 Phoenix, Arizona 85007 14 COPY of the foregoing hand-delivered this Q\ day of March, 2008, to: 15 16 Sarah J. Harpring, Esq. Administrative Law Judge 17 **Hearing Division** Arizona Corporation Commission 1200 West Washington Street 18 Phoenix, Arizona 85007 19 Christopher C. Kempley, Chief Counsel Legal Division Arizona Corporation Commission 20 1200 West Washington Street 21 Phoenix, Arizona 85007 Ernest G. Johnson, Director 22 **Utilities Division** Arizona Corporation Commission 23 1200 West Washington Street 24 Phoenix, Arizona 85007 25 Parties of Record 26

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Copies of the Foregoing emailed or mailed This 21 day of _____ 2008 to:

91312703 HILLCREST WATER COMPANY BARBARA DUNLAP 915 E. BETHANY HOME PHOENIX, AZ 85014

310-32-005A ALBERT L & MARIA G REYES 11751 ROSWELL AVE CHINO, CA 91710

310-32-007 DAVID P & PATRICIA CARMICHAEL 912 SOUTH EASTHILLS DR WEST COVINA, CA 91791

310-32-009 LARRY CARTWRIGHT 445 B AVENUE CORONADO, CA 92118

310-32-011 ROBERT L & ROBERTA A GOLISH 501 N CLENTINE ST ANAHEIM, CA 92801

310-32-014A RICHARD S & JOY M MUZIC, TRUSTEES MUZIC LIVING TRUST 10313 FELSON ST BELLFLOWER, CA 90706

310-32-016 WAYNE D & ZELMA M DUNHAM, TRUSTEES P O BOX 68 SAN CLEMENTE, CA 92674 310-32-003 MIKEL W LITTLE C/O JENNIFER FLETCHER 9 VIA PARPLONA RCH STA MARGARI, CA 92688

310-32-006 VERONICA PEDREGON 855 BAY VIEW DRIVE PARKER, AZ 85344

310-32-008 VERONICA PEDREGON 855 BAY VIEW DRIVE PARKER, AZ 85344

310-32-010 LARRY CARTWRIGHT 445 B AVENUE CORONADO, CA 92118

310-32-012A WYMAN & DONNA J JOHNSON 17806 QUANTUM PL PIERRE, SD 57501

310-32-015 FRED A & LYNNE S MUZIC 16411 UNDERHILL LN HUNINGTON BEACH, CA 92647

310-32-017 WAYNE M & ZELMA M DUNHAM, TRUSTEES P O BOX 68 SAN CLEMENTE, CA 92674 310-32-018 CARL ALVARADO 791 BAY VIEW DRIVE PARKER, AZ 85344 310-32-019 KELLI SMITH 927 HIGH COUNTRY GLENDORA, CA 91740

310-32-020 DUANE E & RUTH V FERGUSON, TRUSTEES 2814 MANOR VIEW DR PARKER, AZ 85344 310-32-021 DUANE E & RUTH V FERGUSON, TRUSTEES 2814 MANOR VIEW DR PARKER, AZ 85344

310-32-022 MAC & JOYCE FRAZIER 1777 LEWIS AVENUE LONG BEACH, CA 90813 310-32-023 CLARK & PIPER A SLONE 40641 BEAR CREEK ST INDIO, CA 92203

310-32-024 CLARK & PIPER A SLONE 40641 BEAR CREEK ST INDIO, CA 92203 310-32-025 ANDREW R & SHANNA S MCCLOSKEY 5000 WINDY CIRCLE YORBA LINDA, CA 92887

310-32-026 CHARLES E STIREWALT 2932 BALLESTEROS LANE TUSTIN, CA 92672 310-32-027 EDWARD WOODWORTH DEUEL III & NANCY LEE DEUEL, TRUSTEES, DEUEL FAMILY TRUST 6892 VIA CARONA DR HUNTINGTON BCH, CA 92647

310-32-028 RUSSELL E & SHIRLEY A MILLSPAUGH 2874 MANOR VIEW DRIVE PARKER, AZ 85344 310-32-029 JOHN JACOB & CALVIN NYLES WESTRA, TRUSTEES WESTRA FAMILY TRUST 4379 HWY 147 LAKE ALMANOR, CA 96137

310-32-030 JOHN JACOB & CALVIN NYLES WESTRA, TRUSTEES WESTRA FAMILY TRUST 4379 HWY 147 LAKE ALMANOR, CA 96137

310-32-031 BETTY JANE BRYANT GOLDIE JUNE JORDAN 78976 SPIRIT COURT PALM DESERT, CA 92211 310-32-032 BETTY JANE BRYANT GOLDIE JUNE JORDAN 78976 SPIRIT COURT PALM DESERT, CA 92211

310-32-034A ROGER A & SALLY J SHORE, TRUSTEES 21225 PINEBLUFF DRIVE TRABUCO CANYON, CA 92679

310-32-036A LINDA LEDBETTER 570 RIM VIEW DRIVE TWIN FALLS, ID 83301

310-32-038 KENT A & TERESA B THOMPSON 13811 MAYPORT AVE NORWALK, CA 90650

310-32-040 ALBERT & AMELIA NEVARES 4756 MURIETTA ST CHINO, CA 91710

310-32-043A JOHNNY A & BILLIE DODSON 816 BAY VIEW DRIVE PARKER, AZ 85344

310-32-047A FRED & LYNNE MUZIC 16411 UNDERHILL LANE HUNTINGTON BCH, CA 92647 310-32-033 GALE M & EILEEN C DALTON 2910 S MANOR VIEW PARKER, AZ 85344

310-32-035A STEVE BENTON & DELIA ALVARADO 2948 S NOBLE VIEW DRIVE PARKER, AZ 85344

310-32-037 KENNETH J & EILEEN K THOMPSON, TRUSTEE 78710 DARRELL DR BERMUDA DUNES, CA 92201

310-32-039 ALBERT & AMELIA NEVARES 4756 MURIETTA ST CHINO, CA 91710

310-32-041 RUBEN JR & DIANE GOMEZ WILLIAM C & CONSTANCE RIACH JED WILLIAM RIACH P O BOX 112 RUNNING SPRINGS, CA 92382

310-32-045A NANDO HAASE 830 BAY VIEW DR PARKER, AZ 85344

310-32-048A ELIZABETH A HACKE 858 BAY VIEW PARKER, AZ 85344 310-32-049 MICHAEL J SCHAPER 7383 SVL BOX VICTORVILLE, CA 92392

310-32-052B ROY & MARGARET HOKENSON 880 BAY VIEW PARKER, AZ 85344

310-32-053 TIMOTHY & JOLA NETTE HUBBS P O BOX 474 RUNNING SPRINGS, CA 92382

310-32-056A LARRY W & SHEARL LYNN THOMPSON 12642 LAMPLIGHTER GARDEN GROVE, CA 92845

310-32-060A ROY M & MARGARET HOKENSON 880 BAYVIEW PARKER, AZ 85344

310-32-062A BRIAN WOOD & ARTHUR WOOD 3217 S NORTH SHORE DR ONTARIO, CA 91761

310-32-064A MICHAEL & TAMARA WILKINSON 4 BELLA FIRENZE LAKE ELISINORE, CA 92532 310-32-050 VERONICA PEDREGON 855 BAYVIEW DRIVE PARKER, AZ 85344

310-32-052C ROY & MARGARET HOKENSON 880 BAY VIEW PARKER, AZ 85344

310-32-054 JACK M & BARBARA JO HUTCHENS, TRUSTEES HUTCHENS FAMILY TRUST 151 N HOLGATE LA HABRA, CA 90631

310-32-057 HILLCREST BAY INC 924 BAY VIEW DR PARKER, AZ 85344

310-32-061A BARBARA A DEMEREST 11616 RECHE CANYON RD COLTON, CA 92324

310-32-063A JULIANA PEREZ 4169 MENTONE AV CULVER CITY, CA 90232

310-32-065A JOHN D II & JACQUELINE Y YARBROUGH YARBROUGH REVOCABLE TRUST P O BOX 616 PARKER, AZ 85344 310-32-066 LOUISE DENVER 889 SWAN DR PARKER, AZ 85344

310-32-069 CARLSON T & DARLENE E LOFTIS, TRUSTEES LOFTIS REVOCABLE LIVING TRUST 54 WEST FOREST TRAIL FREESOIL, MI 49411

310-32-072 RICHARD R GERVAIS 5234 CARLINGFORD AVE RIVERSIDE, CA 92504

310-32-074 GERALD W & MICHELLE C GATLIN JEFFREY W GATLIN AND TRACY A GATLIN 17618 REGENCY CIRCLE BELLFLOWER, CA 90706

310-32-076 DOWELL A & KATHERINE S KUBICKA TRUSTEES KUBICKA FAMILY TRUST 6819 TAHITI DR CYPRESS, CA 90630

310-32-078 TERENCE W A BITRICH 1021 N PUENTE ST BREA, CA 92821

310-32-080 RANDY J & RACHAEL ANNE STEWART 1826 COMARAGO COURT CORONA, CA 92883 310-32-068A KAREN L & JAMES C BIBBY 873 SWAN DRIVE PARKER, AZ 85344

310-32-071A CARLSON & DARLENE E LOFTIS 54 WEST FOREST TRAIL FREESOIL, MI 94911

310-32-073 RICHARD GERVAIS 5234 CARLINGFORD AVE RIVERSIDE, CA 92504

310-32-075 GERALD W & MICHELLE C GATLIN JEFFREY W GATLIN AND TRACY A GATLIN 17618 REGENCY CIRCLE BELLFLOWER, CA 90706

310-32-077
DOWELL A & KATHERINE S KUBICKA
TRUSTEES
KUBICKA FAMILY TRUST
6819 TAHITI DR
CYPRESS, CA 90630

310-32-079 TERENCE W A BITRICH 1021 N PUENTES STREET BREA, CA 92821

310-32-081 GEOFFREY WILLIAM LAMBROSE 784 SWAN DR PARKER, AZ 85344 310-32-082 GEOFFREY WILLIAM LAMBROSE 784 SWAN DR PARKER, AZ 85344

310-32-084 STUART & DENISE CURRIE RICHARD J & ANDREA WILKE, TRUSTEES, WILKIE FAMILY REVOCABLE TRUST DAVID M & DOROTHY D GLYNN 4545 SUNFIELD AVENUE LONG BEACH, CA 90808

310-32-086 TREVOR GOLDI & SIERRA SMITH-GOLDI EARLINE R POOL 828 SWAN DR PARKER, AZ 85344

310-32-088 CLIFTON D & VIOLA J LEE TRUSTEES LEE FAMILY REVOCABLE TRUST 229 TUDOR COVINA, CA 91722

310-32-090 RONALD D & MARY P LEE 14049 FARMINGTON ST OAKHILLS, CA 92344

310-32-092 JO ANN C GOLDBACH TRUSTEE JO ANN C GOLDBACH REVOCABLE TRUST 880 SWAN DR PARKER, AZ 85344

310-32-095 CUMMINS INVESTMENTS INC P O BOX 665 LAKE HAVASU CTY, AZ 86405 310-32-083 STUART & DENISE CURRIE RICHARD J & ANDREA WILKE, TRUSTEES, WILKIE FAMILY REVOCABLE TRUST DAVID M & DOROTHY D GLYNN 4545 SUNFIELD AVENUE LONG BEACH, CA 90808

310-32-085 JOHN M & PEGGY J STEINER TRUSTEES STEINER FAMILY TRUST 3220 SARATOGA AVENUE LAKE HAVASU CIT, AZ 86406

310-32-087 CLIFTON D & VIOLA J LEE TRUSTEES LEE FAMILY REVOCABLE TRUST 229 TUDOR COVINA, CA 91722

310-32-089 DONALD E LEE PO BOX 2008 IRVINDALE, CA 91706-1008

310-32-091 JO-ANNE M LYNN 872 E SWAN DR PARKER, AZ 85344

310-32-094A DONALD & VIRGINIA VAUGHN 888 SWAN DRIVE PARKER, AZ 85344

310-32-096 THOMAS P & CYNTHIA A MCGREGOR TRUSTEES MCGREGOR TRUST 914 E. SWAN DRIVE PARKER, AZ 85344 310-32-097 FILMORE H ANDERSON VIRGINIA L ANDERSON 920 E SWAN DR PARKER, AZ 85344

310-32-099 LINK T & SANDRA C JOHNSON TRUSTEES, JOSHNSON REVOCABLE LIVING TRUST 1112 W HOUSTON AVE FULLERTON, CA 92633

310-32-101 MARK S & JEANNINE LONG 548 WOODHAVEN COURT UPLAND, CA 91786

310-32-103 LINDA SEIDENGLANZ BILL & CAROL CRANE 15040 KINAI ROAD APPLE VALLEY, CA 92307

310-32-106A WILLIAM H & SHARI D DAGE PO BOX 1297 BANNING, CA 92220

310-32-108A GARY L & SUZANNE A SMITH 531 APACHE DR PLACENTIA, CA 92870

310-32-111 TROY & TAMMIE WARD 41775 CASCADES CT TEMECULA, CA 92591 310-32-098 ARTHUR C WOOD III STEVEN D WOOD & BRIAN D WOOD 2968 THOROUGHBREAD ST ONTARIO, CA 91761

310-32-100 ALFRED & SHERYL BEAUVAIS 5318 ELK COURT FONTANA, CA 92336

310-32-102 SCOTT D & GRACE D BABCOCK 15944 EAST MILVERN DR WHITTIER, CA 90604

310-32-104A RICHARD M HOYT MARK A & KATHY A HOYT 38821 KILIMANJARO DR PALM DESERT, CA 92211

310-32-107 GERALD C & CAROL L MCGINNIS, TRUSTEES MCGINNIS FAMILY TRUST 3370 LESS AVE LONG BEACH, CA 90808

310-32-110A RONALD K & LORRANINE C JOHNSON 885 CRYSTAL VIEW DR PARKER, AZ 85344

310-32-112 RICHARD A & KIMBERLY E HAMPTON 1143 ANDREW LN CORONA, CA 92881 310-32-113 NANCY SUZANNE ARCHER 861 CRYSTAL VIEW DR PARKER, AZ 85344

310-32-115 CHARLES T & ELLEN L S O NEILL 22062 BROKEN BOW DR EL TORO, CA 92630

310-32-118A RAYMOND D & PATRICIA EASLEY 4161 RICARDO DRIVE YORBA LINDA, CA 92886

310-32-120A SHARON ERROR, TRUSTEE SHARON ERROR TRUST PO BOX 575745 H SALT LAKE CITY, UT 84157

310-32-123 LOUIS M & LINDA D WILSON 4421 E VALLEY GATE ANAHIEM HILLS, CA 92807

310-32-125 BOYCE L & TERESA A HARKER TRENT W & LAURA M HARKER 79-165 CANTERRA CIRCLE LA QUINTA, CA 92253

310-32-127 LEAH C WAGNER 7516 SHOUP AVE WEST HILLS, CA 91307 310-32-114 RAYMOND G GROSSMAN SR & ANN M GROSSMAN 118 N MORADA W COVINA, CA 91790

310-32-116 VICTORIA KUKURUDA 30670 WATSON ROAD HOMELAND, CA 92548

310-32-119 JACQUELINE J & SANDRA J JOHNSON 809 CRYSTAL VIEW DR PARKER, AZ 85344

310-32-122A MARVIN L & JOAN K JORDAN P O BOX 228 LA QUINTA, CA 92253

310-32-124 VICTOR M & PRISCILLA M HORTA 8057 ARMAGOSA DRIVE RIVERSIDE, CA 92508

310-32-126 LEAH C WAGNER 7516 SHOUP AVE WEST HILLS, CA 91307

310-32-128 DENNIS A & PHYLLIS A INGRAM 828 CRYSTAL VIEW DRIVE PARKER, AZ 85344 310-32-129 CHARLES E & JUDY RUTLEDGE TRUSTEES, RUTLEDGE FAMILY TRUST P O BOX 185 LUCERNE VALLEY, CA 92356

310-32-130 DAN & TERI PETERS 5838 APPLECROSS DR RIVERSIDE, CA 92507

310-32-132A MERLE D & JANET J CALVIN 862 CRYSTAL VIEW DRIVE PARKER, AZ 85344 310-32-133 WILLIAM & HARLAYNE BOND 6042 W POTTER DRIVE GLENDALE, AZ 85308

310-32-135A GLENN E ECKER & PATRICIA A TANGES 880 CRYSTAL VIEW DR PARKER, AZ 85344 310-32-136 ROBERT W & CAMILLE A HUGHES 13803 PEQUOT DRIVE POWAY, CA 92064

310-32-137 GREGORY C & GWENDOLYN MESNA NATHAN J & WHITNEY MESNA PO BOX 2344 RUNNING SPRINGS, CA 92382

310-32-138 ROBERTA A & DONALD A ANDERSON 1143 SHARON RD SANTA ANA, CA 92706

310-32-139 ALBERT O LAFRENIERE 1691 CHANDLER DR LAKE HAVASU C, AZ 86403 310-32-140 CALEB J & KRISTINA A BRANDEL JUDITH B SHIPLEY 7307 LENOX RIVERSIDE, CA 92504

310-32-141 LESLIE GOSSENBERGER 794 WEST BRITTANY LANE CLOVIS, CA 93619 310-32-142 GARY & YVONNE SUTTON 31956 ROSALES AVE MURRIETA, CA 92563

310-32-143 ROBERT & LORI NIELSON P O BOX 401971 HESPERIA, CA 92340 310-32-144 JOHN L & JANE R SEARS, TRUSTEES OF THE SEARS LIVING TRUST 10532 MIRA VISTA DR SANTA ANA, CA 92705 310-32-145 DAN R & VIVIAN T GOOD, TRUSTEE DAN R. GOOD AND VIVINA T. GOOD DECLARATION OF TRUST P O BOX 53 HWY 108 STRAWBERRY, CA 95375

310-32-147 DENNIS R & CATHERINE ROUSTAN, TRUSTEES ROUSTAN LIVING TRUST 1640 E APPALACHIAN RD FLAGSTAFF, AZ 86004

310-32-150A SCOTT K JONES SR & CAROLE A JONES, TRUSTEES JONES REVOCABLE TRUST 7991 INWOOD LANE LAPALMA, CA 90623

310-32-153A CYNTHIA I MILES & SANDRA MAGANA 961 N CLEVLAND STREET ORANGE, CA 92867

310-32-156A DELVIN G & GERTRUDE A WARREN JENNA MESSINA 278 AGATE WAY BROOMFIELD, CO 80020

310-32-158 DONALD & MELODY CLARK 16900 TAFT STREET RIVERSIDE, CA 92508

310-32-160 RICKY & KAREN L BULLARD 814 ANDERSON COURT REDLANDS, CA 92374 310-32-146 JUDI L NOBLE 1444 E 13TH STREET UPLAND, CA 91786

310-32-148 LINDA KAY CLAMP DAVID EDWARD SEAVER 3457 EL CAMINO REAL PALO ALTO, CA 94306

310-32-151A PAMELA A LEGGETT, TRUSTEE, PAMELA LEGGETT A REVOCABLE TRUST P O BOX 1395 PARKER, AZ 85344

310-32-154 LAURENCE A & MARJORIE WARD 867-E LINGER DR PARKER, AZ 85344

310-32-157
THOMAS J GEALY IV & DENISE M GEALY
EDWARD F FERRALL SR &MARGARET
FERRALL
EDWARD FERRAL JR & SUSAN FERRALL
18250 DEVONWOOD CIRCLE
FOUNTAIN VALLEY, CA 92708

310-32-159 PAUL L & CAROL A PUDEWA 3531 LAMA AVE LONG BEACH, CA 90808

310-32-161 GERALD D FLORES 25092 PORTSMOUTH MISSION VIEJO, CA 92692 310-32-162 GARY W SMITH 791 E LINGER DR PARKER, AZ 85344

310-32-165 TOM W & KATHRYN A AYERS, TRUSTEES, AYERS REVOCABLE TRUST 40795 NICOLE COURT HEMET, CA 92544

310-32-167 JOHN W & JAMIE BRANDEL KOURKOS WILLIAM W & GERALDINE BRANDEL 14255 JUDY ANN DRIVE RIVERSIDE, CA 92503

310-32-169A THOMAS DAVID & SUSAN THOMAS 2508 DASHWOOD ST LAKEWOOD, CA 90712

310-32-172C ROBERT & DANIELLE FRANCK 134 VILLA RITA DR LA HABRA HGTS, CA 90631

310-32-174 THEODORE R & MARY L MARICAL 711 ROSEWOOD LANE LA HABRA, CA 90631

310-32-176 ANDREW P & DEBRA D GRIMES 904 LINGER DRIVE PARKER, AZ 85344 310-32-164 THOMAS F ANDERSON ERNEST VANIER & ROBERT K ANDERSON 2918 REDWOOD CIRCLE FULLERTON, CA 92635

310-32-166 JUDITH B SHIPLEY 14325 LAUREL DRIVE RIVERSIDE, CA 92503

310-32-168 DAVID & SUSAN THOMAS 2508 DASHWOOD LAKEWOOD, CA 90712

310-32-170A SHANE JOLICOEUR 852 LINGER DR PARKER, AZ 85344

310-32-173A SCOTT & CAROLE A JONES, TRUSTEES, JONES REVOCABLE TRUST 7991 INWOOD LA PALMA, CA 90623

310-32-175 THEODORE R & MARY L MARICAL 711 ROSEWOOD LANE LA HABRA, CA 90631

310-32-177 EDWARD MARK & BEAVERLY A LAUER 914 LINGER DR PARKER, AZ 85344 310-32-178 CONSTANCE ANN ESTABROOK 1426 CLEVELAND LOOP DRIVE ROSEBURG, OR 97470

310-32-181 RICK J MCCURDY 6417 SHERMAN WAY BELL, CA 90201

310-32-183A GARY J SCHMITT 3229 KLUK LANE STE 100 RIVERSIDE, CA 92501

310-32-184 CRAIG A & CINDY S MARTIN, TRUSTEES MARTIN FAMILY REVOCABLE TRUST 2184 CARTWHEEL CIRCLE CORONA, CA 92880

310-32-188B JEROME P & KAREN M BOWE 849 MAX VIEW DRIVE PARKER, AZ 85344

310-32-190 TIMOTHY GORDON & ROBIN ALICIA EVANS 24482 CHAMALEA MISSION VIEJO, CA 92691

310-32-192 KHANIM POPLET 981 CHARLES STREET BANNING, CA 92220 310-32-180A JANICE POWERS 934 LINGER DR PARKER, AZ 85344

310-32-182 WILLIAM E & JEANNETTE L HORN 954 E LINGER DR PARKER, AZ 85344

310-32-183C WILLIAM M. & JOAN L. WHITTLINGER PO BOX 1394 TEXAS CITY, TX 77592-1394

310-32-186A RONALD & SYLVIA NELSON 835 MAX VIEW DR PARKER, AZ 85344

310-32-189A ROBERT RESTER PATRICIA ANN HOFFMAN 16729 SAGE CIR CHINO HIILS, CA 91709

310-32-191 TIMOTHY G & ROBIN A EVANS H/W 24482 CHAMALEA MISSION VIEJO, CA 92691

310-32-193 KEITH BLANCHARD 10529 CANTRELL AVE WHITTIER, CA 90604 310-32-195A SCOTT K JONES JR & ZAHIRA V DELGADILLO TRUSTEES, JONES REVOCABLE TRUST 5732 PLACERVILLE PLACE YORBA LINDA, CA 92886

310-32-196 RICHARD L & NANCY L FISHER 582 W MOUNT CARMEL DR CLAREMONT, CA 91711

310-32-197 MILDRED R DANN 2195 N. SLOPE TERRACE SPRING VALLEY, CA 91977-3631 310-32-198 ROBERT & BONNIE STRONG 3602 FAIRMAN LAKEWOOD, CA 90712

310-32-199 PHILIP S & INA L WIGLEY 250 E FOREST AVE ARCADIA, CA 91006 310-32-200 WILLIAM A & GAYL C BACA 9700 LA CAPILLA AVE FOUNTAIN VALLEY, CA 92708

310-32-201 ANNETTE M KINCAID 1975 W LINDEN ST RIVERSIDE, CA 92507 310-32-202 KEVIN D MARTIN KEVIN D & MELANIE MARTIN 1214 LAS ARENAS WAY COSTA MESA, CA 92627

310-32-203 JAMES C SCHMIDT JR & CAROL L SCHMIDT 26045 MATLIN ROAD RAMONA, CA 92065 310-32-204 HOWARD A & HELEN F TWARDOKS 15933 MALDEN ST NORTH HILLS, CA 91343

310-32-205 MELVIN EDWARD HEGLER 18729 LEMARSH NORTHRIDGE, CA 91324 310-32-206 ANTONIO & ILEN ELIAS-CALLES, TRUSTEES, ELIAS-CALLES FAMILY TRUST 18922 FLAGSTAFF LN HUNTINGTON BCH, CA 92646

310-32-207 ANTONIO & ILEN ELIAS-CALLES, TRUSTEES, ELIAS-CALLES FAMILY TRUST 18922 FLAGSTAFF LN HUNTINGTON BCH, CA 92646

310-32-208 EARL & ERNA DAVIS 922 MAX VIEW DR PARKER, AZ 85344 310-32-209 RANDY R & LISA T POOLE 8019 E GRAY RD SCOTTSDALE, AZ 85260

310-32-211 JERRY & KELLY GOODMAN 68440 TAHQUITZ RD #4 CATHEDRAL CITY, CA 92234

310-32-214 MELVIN E HEGLER 18729 LEMARSH ST NORTHRIDGE, CA 91324

310-32-216A FRANK I & JAN ROBLES P O BOX 31417 TUCSON, AZ 85751

310-32-219 WESLEY E BERGSTROM SR & THERESE BERGSTROM 25681 PALMWOOD DR MORENO VALLEY, CA 92557

310-32-221 KEVIN R & CYNTHIA ANNE RUNGE 4485 SUNBURST DR OCEANSIDE, CA 92056

310-32-223
JOHN W & CATHERINE M MARCHESI,
TRUSTEES
MARCHESI FAMILY TRUST
3224 HILL VIEW DRIVE SOUTH
CHINO, CA 91710

310-32-210 ROBYN L STEIN 2338 N EATON CT ORANGE, CA 92867

310-32-213A JOSEPH M & ALIS E TROYA PETER W & ILENE KRAEMER 3551 AMES PLACE CARLSBAD, CA 92008

310-32-215
JOHN R & JUDITH L P MCLEAN
DALLSA NOC C/O:
ATTN: BILL RECEIPT AREA 7TH FLOOR
5081 NORRIS ST
IRVINE, CA 92604

310-32-218A ANNE GRISHAM 816 NOBLE VIEW DRIVE PARKER, AZ 85344

310-32-220 MICHAEL S & MARIE B MENDEZ 4091 CARROLL COURT CHINO, CA 91710

310-32-222 HOLLIS I HARVEY 130623 BIG BEAR LAKE, CA 92315

310-32-224 MATTHEW ANNALA 13122 OLYMPIA WAY SANTA ANA, CA 92705 310-32-225 RICHARD L & HELEN T POWELL 874 NOBLE VIEW DR PARKER, AZ 85344

310-32-227 HAROLD ERIC & KATHIE JO JONES 4715 E WARWOOD ROAD LONG BEACH, CA 90808

310-32-229 MALLIETT INVESTMENTS LLC 5373 W FIRST STREET LUDINGTON, MI 49431

310-32-231 THOMAS J & JUNE K KRAUS 10765 BARNES RD EATON RAPIDS, MI 48827

310-32-233 KENT A & TERESA B THOMPSON 13811 MAYPORT AVE NORWALK, CA 90650

310-32-235 RONALD J & PHYLLIS MCDONNELL, TRUSTEES, MCDONNELL FAMILY TRUST P O BOX 71 MARSING, ID 83639

310-32-237 NORMAN R & DIANNA L DUMP 9329 LAKE CANYON ROAD SANTEE, CA 92071 310-32-226 CHARLES S & BARBARA MANNING, TRUSTEES, 29214 OLD WRANGLER ROAD CANYON LAKE, CA 92587

310-32-228 MICHELLE M GAYLER P O BOX 1413 THERMAL, CA 92274

310-32-230 ROBERT P & CAROL E BISCHOFF, TRUSTEES, BISCHOFF LIVING TRUST 651 CENTER CREST REDLANDS, CA 92373

310-32-232 KENNNETH R HEPLER JR 40735 LA COLIMA TEMECULA, CA 92591

310-32-234 BERTHA M STITES TRUSTEE P O BOX 432 ACME, MI 49610

310-32-236 ROBERT & KATHLEEN THURMAN 415 PORTOLA STREET SAN DIMAS, CA 91773

310-32-238 THOMAS W & TEDDIE JO LORCH, TRUSTEES, THOMAS W. LORCH AND TEDDIE JO JORCH TRUST 2948 VIA BLANCO SAN CLEMENTE, CA 92673 310-32-239
THOMAS W & TEDDIE JO LORCH, TRUSTEES,
THOMAS W. LORCH AND TEDDIE JO JORCH
TRUST
2948 VIA BLANCO
SAN CLEMENTE, CA 92673

310-32-242A VERNON G & LORETTA J KRAUS 5388 W JAGGER RD LUDINGTON, MI 49431

310-32-245A PHILIP J GARCIA DEBORAH A LAURENCE 3152 WALKER LEE DRIVE LOS ALAMITOS, CA 90720

310-32-248 EDWARD F MUELLER 6684 VINAL HAVEN CT CYPRESS, CA 90630

310-32-251A DOUGLAS & KAREN GREER 37293 MARINA VIEW PARKER, AZ 85344

310-32-253 DAVID M & RENEE L WELKER 2875 HILLCREST DR PARKER, AZ 85344

310-32-255 E V GAULT 9018 LAKEVIEW DRIVE PARKER, AZ 85344 310-32-240 RODNEY W KAWAGOYE JUDY C WILSON 2971 DUNLAP DRIVE PARKER, AZ 85344

310-32-243 CLYDE L & JEANNE F HENTZEN 2949 DUNLAP DR PARKER, AZ 85344

310-32-247A DOUGLAS & KAREN GREER 37293 MARINA VIEW PARKER, AZ 85344

310-32-249 ADAM G MADRIGAL 3763 LIVE OAK DR POMONA, CA 91767

310-32-252 KATHI A BEVAN 21499 RAY ARMSTRONG ROAD ANDALUSIA, AL 36421-1882

310-32-254 JANE SCHUE, TRUSTEE, SCHUE LIVING TRUST 3706 BLUEGRASS DRIVE LAKE HAVASU CTY, AZ 86406

310-32-256 GEORGE & DEBBIE RADVANSKY 2855 HILLCREST DRIVE PARKER, AZ 85344 310-32-257 GERALD & SHAWNA JOHNSON P O BOX 80 CABAZON, CA 92230

310-32-260A LARRY & LAURA S GRESETH 718 BLACK DRIVE PRESCOTT, AZ 86301

310-32-262 BRIAN BOLTON #2 VISTA DEL SOL LAGUNA BEACH, CA 92651

310-32-264 CHARLES JOSEPH SWAN 2801 HILLCREST DRIVE PARKER, AZ 85344

310-32-267A JIM THURMAN #31, 9352 CREEKSIDE COURT SANTEE, CA 92071-4748

310-32-270A BETH S SHAMNURG JEFFREY G JOHNSON U/M 2775 HILLCREST DRIVE PARKER, AZ 85344

310-32-272 HILLCREST BAY INC 924 BAY VIEW DRIVE PARKER, AZ 85344 310-32-259A TED & CARLA BULTSMA & LESLIE GOSSENBERGER P O BOX 3612 RUNNING SPRINGS, CA 92382

310-32-261 BRIAN BOLTON #2 VISTA DEL SOLE LAGUNA BEACH, CA 92651

310-32-263 ANDRE M & LINDA E DURAN H RUDY E & SIMONETTE A LOVATO 23147 DONAHUE COURT MORENO VALLEY, CA 92553

310-32-265 MICHAEL E & MELANIE A STEWART 2793 HILLCREST DR PARKER, AZ 85344

310-32-269A WILLIAM H & SHARI D DAGE PO BOX 1297 BANNING, CA 92220

310-32-271A GREGORY K & MICHELLE L WALSH 15611 OBSIDIAN CT CHINO HILLS, CA 91709

310-32-273 HILLCREST BAY INC 924 BAY VIEW DR PARKER, AZ 85344 310-32-274 LA PAZ COUNTY 1108 JOSHUA AVENUE PARKER, AZ 85344

310-32-249 ADAM G MADRIGAL 315 HAMILTON ST. COSTA MESA, CA 92627

310-32-169A DAVID & SUSAN THOMAS 3540 465TH AVENUE ELLSWORTH, WI 54011

310-32-218A XSI PROPERTIES, INC. 17051 MOCKINGBIRD CANYON ROAD RIVERSIDE, CA 92504

HILLCREST WATER COMPANY BARBARA DUNLAP 915 E. BETHANY HOME ROAD PHOENIX, AZ 85014 310-320-260A LARRY & LAURA S. GRESETH 1026 YAVAPAI HILLS DRIVE PRESCOTT, AZ 863014

310-32-028 RICK WOOD 21 PALMERA RNCH STA MARGAR, CA 92688

310-32-168 DAVID & SUSAN THOMAS 3540 465TH AVENUE ELLSWORTH, WI 54011

MARTIN BRANNAN LA PAZ COUNTY ATTORNEY 1320KOFA AVENUE PARKER, AZ 85344

GEORGE NAULT LA PAZ COUNTY ASSESSOR 1112 JOSHUA AVENUE SUITE 204 PARKER, AZ 85344



La Paz County Board of Supervisors

1108 Joshua Avenue Parker, Arizona 85344

(928) 669-6115

TDD (928) 669-8400

Fax (928) 669-9709

Gene Fisher

- District 1

Donna J. Hale -

Clerk of the Board /

Clifford Edev

- District 2

Interim County Administrator

Mary A. Scott

- District 3

February 12, 2008

Mr. D. L. Wilson Arizona Public Service Co. 1221 Arizona Ave. Parker, AZ 85344

> RE: Hillcrest Bay Underground Conversion Service Area APN #310-32-274

Dear Mr. Wilson:

Pursuant to A.R.S. §40-347(5), please be advised that La Paz County does not intend to assume the costs relating to the conversion of Lot 274 Hillcrest Bay, APN #310-32-274. I understand the amount for this conversion is \$18,310.89.

The County owns this lot due to a default on payment of taxes. I have been told the property has no access and has not been saleable through the tax deed sale process. It would not be feasible to spend taxpayer dollars for improvements on a lot that, to date, appears not to be saleable for back taxes, much less adding conversion costs to the back-tax figure.

When you and I spoke of this matter in the beginning of this conversion process, I indicated that the County would not be interested in paying the conversion fee for this lot. Circumstances have not changed as the condition of the lot remains the same.

If you have any questions regarding this matter, please feel free to contact me.

Sincerely.

Donna J. Hale

Interim County Administrator/Clerk of the Board

Board of Supervisors C: